

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CR2009-007895-005 DT

07/20/2010

HONORABLE PAUL J. MCMURDIE

CLERK OF THE COURT
S. LaMarsh
Deputy

STATE OF ARIZONA

MICHAEL Z RASSAS

v.

NICHOLAS COE QUIMBY (005)

KELLIE SANFORD
DAVID J KEPHART

DOB: January 16, 1988

APO-SENTENCE IMPRISON-CCC
APPEALS-CCC
AZ DOC
AZ DOC - INMATE TRUST ACCOUNTS
DISPOSITION CLERK-CSC
RFR
VICTIM SERVICES DIV-CA-CCC

SENTENCE OF IMPRISONMENT

9:14 a.m.

Courtroom ECB 413

State's Attorney:	Michael Rassas
Defendant's Attorney:	David Kephart and Kellie Sanford
Defendant:	Present

A record of the proceedings is made by audio and/or videotape in lieu of a court reporter.

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Count(s) 3, 10 and 22: WAIVER OF TRIAL: The Defendant knowingly, intelligently and voluntarily waived all pertinent constitutional and appellate rights and entered a plea of guilty.

IT IS THE JUDGMENT of the Court Defendant is guilty of the following:

OFFENSE: Count 3: (Amended) Assisting a Criminal Street Gang
Class 3 Felony with one prior felony conviction
A.R.S. § 13-2301, 2321, 3105, 703, 610, 12-114.01, 13-701, 702 and 801
Date of Offense: between February 1, 2007 and June 20, 2009
Non Dangerous - Repetitive

OFFENSE: Count 10: Burglary in the First Degree
Class 2 Dangerous Felony
A.R.S. § 13-1501, 1508, 1507, 3105, 301, 302, 303, 304, 610, 12-114.01, 13-604.04, 604(P), 701, 702.01, 702 and 801
Date of Offense: May 5, 2007
Dangerous pursuant to A.R.S. § 13-604 - Non Repetitive

OFFENSE: Count 22: Burglary in the First Degree
Class 2 Dangerous Felony
A.R.S. § 13-1507, 3105, 301, 302, 303, 304, 610, 12-114.01, 13-604.04, 604(P), 701, 702.01, 702 and 801
Date of Offense: June 10, 2007
Dangerous pursuant to A.R.S. § 13-604 - Non Repetitive

AS PUNISHMENT, IT IS ORDERED Defendant is sentenced to a term of imprisonment and is committed to the Arizona Department of Corrections as follows:

Count 3: 6.5 year(s) from July 20, 2010
Presentence Incarceration Credit: 436 day(s)
Presumptive
Sentence is concurrent with Counts 10 and 22 and CR2008-143418-003 and CR2009-131409-001.

Count 10: 10.5 year(s) from July 20, 2010
Presentence Incarceration Credit: 436 day(s)
Presumptive
Sentence is concurrent with Counts 3 and 22 and CR2008-143418-003 and CR2009-131409-001.

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Count 22: 10.5 year(s) from July 20, 2010
Presentence Incarceration Credit: 436 day(s)
Presumptive
Sentence is concurrent with Counts 3 and 10 and CR2008-143418-003 and CR2009-131409-001.

Pursuant to A.R.S. § 13-604, the Court finds that the Defendant has been convicted of the following prior felony offenses:

Assisting a Criminal Street Gang, a class 3 Non Dangerous felony committed on July 9, 2008 and convicted on March 2, 2009 in CR2008-143418-003 in Maricopa County Superior Court.

IT IS ORDERED the Defendant shall pay through the Clerk of the Superior Court:

RESTITUTION: Count 10 - \$1,000.00 to the following victim(s) in the following amounts:

Lisa Zimmerman (Individual) \$1,000.00

No restitution ledger provided.

Restitution shall be paid monthly in an amount to be determined by the Arizona Department of Corrections in compliance with A.R.S. § 31-230.

The Arizona Department of Corrections shall notify the Clerk of the Court of Maricopa County of Defendant's release from custody via e-mail cforeponse@mail.maricopa.gov. The Clerk of the Court, upon said notification, shall furnish financial information for a Criminal Restitution Order for Judicial signature for any unpaid monies to date.

Community Supervision: Count 3 - Imposed pursuant to A.R.S. § 13-603(I).

Community Supervision: Count 10 - Imposed pursuant to A.R.S. § 13-603(I).

Community Supervision: Count 22 - Imposed pursuant to A.R.S. § 13-603(I).

IT IS FURTHER ORDERED that Defendant must submit to DNA testing for law enforcement identification purposes and pay the applicable fee for the cost of that testing in accordance with A.R.S. § 13-610.

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IT IS ORDERED granting the Motion To Dismiss the following: Counts 1, 2, 11 - 17, 23 and 24.

IT IS ORDERED authorizing the Sheriff of Maricopa County to deliver the Defendant to the Arizona Department of Corrections to carry out the term of imprisonment set forth herein.

IT IS ORDERED the Clerk of the Superior Court remit to the Arizona Department of Corrections a copy of this Order or the Order of Confinement together with all presentence reports, probation violation reports, and medical and psychological reports that are not sealed in this cause relating to the Defendant.

The presentence investigation report is filed under CR2009-131409-001.

9:39 a.m. Matter concludes.

This case is eFiling eligible: <http://www.clerkofcourt.maricopa.gov/efiling/default.asp>

ISSUED: Order of Confinement - Certified Copy to DOC via MCSO

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Defendant's right index fingerprint is permanently affixed to this sentencing order in open court.

/s/ HONORABLE PAUL J. MCMURDIE
JUDGE OF THE SUPERIOR COURT

(right index fingerprint)